**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE R.BASANT**

**THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929**

**Bail Appl..No. 7471 of 2007**

**(CRIME NO. 775/2007 NEDUMANGAD POLICE STATION)**

**PETITIONER/ACCUSED**

**RAJESH KUMAR @ BOBAN,**
**AGED 30 YEARS, S/O.SREEDHARAN, REVATHY BHAVAN,**
**KAKKODE, IRINCHAYAM (PO), CHELLAMCODE MURI,**
**NEDUMANGAD.**

**BY ADV. SRI.NAGARAJ NARAYANAN**

**RESPONDENTS: STATE**

**STATE OF KERALA, REPRESENTED BY**
**THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,**
**ERNAKULAM.**

**BY PUBLIC PROSECUTOR SRI. JAI GEORGE**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/12/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**R.BASANT, J**

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**B.A.No.7471 of 2007**

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**Dated this the 6th day of December, 2007**

**ORDER**

Application for regular bail. Petitioner faces allegations under Section 306 I.P.C. His wife committed suicide on 26.10.07. He is alleged to have abetted the commission of suicide of his wife. He was allegedly guilty of matrimonial cruelty of the culpable variety and it is such conduct that had allegedly resulted in abetment and consequent commission of suicide by his wife. The marriage took place within 7 years of the date of commission of suicide and the presumption under Section 113 A of the Evidence Act does also stare at the petitioner. The petitioner remains in custody from 19.11.2007. Investigation is not complete. Final report has not been filed yet. The petitioner had come to this Court earlier with an application for anticipatory bail and after discussions at the Bar, the same was dismissed as not pressed. It is thereafter that the petitioner surrendered on 19.11.07.

2. The learned counsel for the petitioner submits that the petitioner is innocent and the petitioner who has remained in custody from 19.11.07 may now be enlarged on bail.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that there are telltale materials indicating matrimonial cruelty. Materials collected so far suggest that the petitioner was leading a wayward life and used to intentionally inflict trauma on his wife by his extra marital relationship as also his conversations with such women in the mobile phone used by him after putting on it on the loud speaker mode to let her hear such conversation. There is also an allegation that the petitioner used to suggest to his wife that she should better commit suicide. The learned Public Prosecutor submits that at any rate in a serious crime like this, the investigators may be given reasonable time to complete the investigation.

4. Having considered all the relevant inputs, I am satisfied that subject to appropriate conditions, the petitioner can be granted regular bail. The request of the learned Public Prosecutor for reasonable further time to complete the investigation can certainly be allowed.

5. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall not be released on the strength of this order prior to 19.12.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

ii) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of 3 months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

**(R.BASANT, JUDGE)**

rtr/-